

Item SP04-28 Response Form

Title: Allocation of Revenue from the Trial Court Improvement Fund (adopt Cal. Rules of Court, rule 6.105)

- ☐ Agree with proposed changes
- ☐ Agree with proposed changes **only if modified**
- ☐ Do not agree with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

Address: _____

City, State, Zip: _____

Please write or fax or respond using the Internet to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 P.M Friday, November 5, 2004

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.

Title	Allocation of Revenue from the Trial Court Improvement Fund (adopt Cal. Rules of Court, rule 6.105)
Summary	Adoption of this rule meets the requirements set forth under Government Code section 77205(a) to provide the Judicial Council with the authority to allocate certain revenue deposited into the Trial Court Improvement Fund.
Source	Finance Division, Administrative Office of the Courts
Staff	Tina Hansen Director, Finance Division 415-865-7951 tina.hansen@jud.ca.gov
Discussion	<p>Government Code 77205(a) (attached) requires the Judicial Council, by rule of court, to allocate 80 percent of the amount of fee, fine, and forfeiture revenue deposited into the Trial Court Improvement Fund (Improvement Fund) in each fiscal year that the amount of revenue deposited exceeds the amount of fee, fine, and forfeiture revenue deposited in fiscal year 2002–2003 as follows:</p> <ol style="list-style-type: none"> 1. To the trial courts in the counties from which the revenue was deposited; 2. To support local court operations among other trial courts pursuant to section 68085(a)(1) by allocation to those courts; and 3. For retention in the Trial Court Improvement Fund. <p>To the extent that courts have not fully implemented enhanced collections programs, under the proposed rule one-time funding may be allocated to those courts to establish or improve such programs. It is anticipated that the ongoing costs of the enhanced collections programs will be funded from the collections received.</p> <p>The adoption of proposed rule 6.105 would set forth the use of the increased fee, fine, and forfeiture revenue. The proposed rule also would require the Administrative Office of the Courts to establish budget procedures to implement the allocation mandated by the statute and the rule. These procedures will be issued as a Finance Memo and posted on the Serranus website.</p>

Rule 6.105 would be added to the California Rules of Court, effective immediately, to read:

Rule 6.105. Allocation of new fee, fine, and forfeiture revenue

(a) The Judicial Council must allocate 80 percent of the amount of fee, fine, and forfeiture revenue deposited in the Trial Court Improvement Fund pursuant to Government Code section 77205(a) that exceeds the amount of fee, fine, and forfeiture revenue deposited in the Trial Court Improvement Fund in fiscal year 2002-2003 to one or more of the following:

(1) To the trial courts in the counties from which the increased amount is attributable;

(2) To other trial courts to support trial court operations; or

(3) For retention in the Trial Court Improvement Fund.

(b) The Administrative Office of the Courts must issue a Finance Memo to implement this rule.

Government Code section 77205(a)

Notwithstanding any other provision of law, in any year in which a county collects fee, fine, and forfeiture revenue for deposit into the county general fund pursuant to Sections 1463.001 and 1464 of the Penal Code, Sections 42007, 42007.1, and 42008 of the Vehicle Code, and Sections 27361 and 76000 of, and subdivision (f) of Section 29550 of, the Government Code that would have been deposited into the General Fund pursuant to these sections as they read on December 31, 1997, and pursuant to Section 1463.07 of the Penal Code, and that exceeds the amount specified in paragraph (2) of subdivision (b) of Section 77201 for the 1997-98 fiscal year, and paragraph (2) of subdivision (b) of Section 77201.1 for the 1998-99 fiscal year, and thereafter, the excess amount shall be divided between the county or city and county and the state, with 50 percent of the excess transferred to the state for deposit in the Trial Court Improvement Fund and 50 percent of the excess deposited into the county general fund. The Judicial Council, by court rule, shall allocate 80 percent of the amount deposited in the Trial Court Improvement Fund pursuant to this subdivision each fiscal year that exceeds the amount deposited in the 2002-03 fiscal year among:

- (1) The trial court in the county from which the revenue was deposited.
- (2) Other trial courts, as provided in paragraph (1) of subdivision (a) of Section 68085.
- (3) For retention in the Trial Court Improvement Fund.

For the purpose of this subdivision, fee, fine, and forfeiture revenue shall only include revenue that would otherwise have been deposited in the General Fund prior to January 1, 1998.